

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Darius Ramanauskas,

Petitioner,

v.

ORDER

Civil No. 05-2352

United States of America,  
Condoleeza Rice, Alberto  
Gonzales, Allen Garber,

Respondents.

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James E. Ostgard, for and on behalf of Petitioner.

James E. Lackner, Assistant United States Attorney for and on behalf of  
Respondents.

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This matter is before the Court upon Petitioner's Motion for a Stay of  
Execution of Surrender Warrant pending his petition for writ of certiorari to the  
United States Supreme Court.

The standard for motions to stay extradition requires the Petitioner to  
show a probability of success on the merits and irreparable harm, and that the  
appeal raises serious legal questions and that the balance of hardships weighs in  
his favor. Artukovic v. Rison, 784 F.2d 1354, 1355 (9<sup>th</sup> Cir. 1986). See also, Rife v.

Ashcroft, 374 F.3d 606 (8<sup>th</sup> Cir. 2004) (citing general governing the grant or denial of a stay).

On June 2, 2008, the Eighth Circuit Court of Appeals denied Petitioner's appeal of the Order denying his habeas petition. Ramanauskas v. United States et al., 526 F.3d 1111 (8<sup>th</sup> Cir. 2008). In reviewing those decisions and the applicable law, this Court finds that the Petitioner cannot show a probability of success on the merits. Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for a Stay of Execution of Surrender Warrant [Doc. No. 35] is DENIED.

Date: July 11, 2008

s / Michael J. Davis  
Michael J. Davis  
Chief Judge  
United States District Court